

A Public Hearing on the revision of the Outdoor Woodboiler Local Law was held on Thursday May 28, 2009 at the Peru Town Hall. Those present were Mr. Don Covell, Supervisor; Mr. Tom Powers, Councilman; Mr. Brandy McDonald, Councilman; Mr. Pete Glushko, Councilman; Mr. Don Biggs, Town Attorney; and Mrs. Kathleen Flynn, Town Clerk.

The Public Hearing was called to order at 6:30 PM.

Bob Millett. Addressed the board regarding the recent installment of a spark arrestor on his Outdoor Woodboiler. He informs members that in May of this year, his Outdoor Woodboiler burned to the ground due to the spark arrestor being plugged (his belief). Mr. Millett states that he has had the Outdoor Woodboiler for seven years and because of the law he was made to install a spark arrestor, which caused the fire.

Lynda LaMountain. Addresses Mr. Biggs, regarding her Outdoor Woodboiler. She informs him that the spark arrestor really does stop the dissipation of the smoke.

Larry Bosley. Requests to be grandfathered in and does not want to be mistreated by board members. He refers to a certain board members calling people that own the Outdoor Woodboilers names. Mr. Bosley states that if the name calling does not stop, then "they" will sue individuals on the board, not the town.

Bob Millett. Asks why homeowners that burn wood do not have to have spark arrestor's on their chimney. He feels it is discriminatory.

Larry Bosley. Refers to screening required for the Outdoor Woodboilers. Mr. Bosley states that the town board should look more closely at residences within the village that need work, specifically the lot left of the town hall, as he feels debris and motor homes were left all Winter long.

Lynda LaMountain. Asks what the official political level of her residence is. Mrs. LaMountain then asks if she has to re-apply after the law is amended and accepted.

Ron LaMountain. Appreciates the opportunity to speak and acknowledges the hard and difficult work that is involved in putting a law together. He would like the board to consider the amount of money that Outdoor Woodboiler owners have invested. He also specifically asks that the board take a look at restrictions of the barriers required.

Motion by Mr. Powers, seconded by Mr. McDonald to close the Public Hearing at 7:00 PM. Ayes 4 Nays 0

Motion Carried

The Town Of Peru, regular Town Board meeting was held on Thursday, May 28, 2009 at the Peru Town Hall. Those present were Mr. Don Covell, Supervisor; Mr. Tom Powers, Councilman; Mr. Brandy McDonald, Councilman; Mr. Pete Glushko, Councilman; Mr. Don Biggs, Town Attorney; and Mrs. Kathleen Flynn, Town Clerk.

The meeting was called to order at 7:01 PM, by Mr. Covell, with the Pledge of Allegiance.

Motion by Mr. Powers, seconded by Mr. McDonald to pass resolution #09.05.28-1; approving the minutes from May 11, 2009. Ayes 4 Nays 0

Motion Carried

Motion by Mr. Powers, seconded by Mr. Glushko to pass resolution #09.05.28-2; approving the minutes from the Special meeting of May 26, 2009. Ayes 4 Nays 0

Motion

Carried

Community Input.

Lynn Patno-Winding Brook resident. Approaches the board regarding the recent yellow striping of Winding Brook. Ms. Patno states that the neighborhood is in disagreement with this as it is unattractive.

Thomas Gilbert. Winding Brook resident. Informs members of the board that the yellow lines decrease the value of their homes. He also states that because of this traffic flow has increased.

Rob Diamond. Winding Brook resident. Also states that he has seen significant traffic increase. He informs members that his wife and child cannot walk safely down the road due to the yellow lines and increased traffic flow.

**Mr. Covell requests Mr. McDonald and Mr. Glushko to meet with the Highway Superintendent regarding this issue and requests that this is reported on at the next meeting.*

Results of Bid Opening for Water Meters and Accessories.

Mr. Covell informs members that the bid opening was held at 9:00 AM this morning. Ti Sales was the only bidder, with a bid of \$70,863.00.

Motion by Mr. Powers, seconded by Mr. Glushko to award the bid to Ti Sales in the amount of \$70,683.00.

Discussion. Mr. Powers asks if this should be done in a form of a resolution. Mr. Biggs says probably, but he is hesitant as not all board members seem to have reviewed this bid. Mr. Powers offers to withdraw his motion.

The gentleman from Ti Sales informs members that the bid was put together under New York State bid laws under standardization of purchase.

Mr. McDonald asks what the warranty for the meters and the guns.

Mr. Powers reminds members that the board has already passed a resolution that the Town Of Peru will be changing over to T-10 Water meters.

**Mr. Covell reads a written recommendation by Mr. Greg Timmons regarding his approval of this bid.*

Motion by Mr. Powers, seconded by Mr. Covell to withdraw his motion to accept the awarding of the bid to Ti Sales, with a written resolution to follow. Ayes 4 Nays 0

Motion

Carried

Motion by Mr. Powers, seconded by Mr. McDonald to pass resolution #09.05-28-3; **WHEREAS**, the Town Board of the Town of Peru (hereinafter referred to as the "Town Board" and/or "Town") is considering the replacement of approximately 553 of its customer water meters in its water district with new Neptune T-10 water meters, and

WHEREAS, The "State Environmental Quality Review", (hereinafter referred to as the "SEQR") of the Environmental Conservation Law provides for the review of projects which constitute an "action" with respect to the effect of such projects on the environment; and

WHEREAS, a determination of the effect of said project or action on the environment is necessary to determine whether a draft "*Environmental Impact Statement*" is required; and

WHEREAS, the effects of the project or action on the environment are to be examined by all "involved agencies" to make such determination; and

WHEREAS, the Town Board has before it the project or action to replace all of the water meters for all existing water main connections in the Town; and

WHEREAS, the Project has been determined and is hereby determined to be a TYPE II Action not subject to review under 6 NYCRR Part 617 (State Environmental Quality Review)

NOW, THEREFORE, it is hereby

RESOLVED by the Town Board of the Town of Peru, New York, as follows:

The replacement of all of the water meters for all existing water main connections in the Town is maintenance or repair involving no substantial changes in an existing structure or facility and/or is replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site and does not meet or exceed any of the thresholds in 6 NYCRR

§617.4 and is therefore clearly a Type II Action pursuant to 6 NYCRR §617.5 (c) and is, pursuant to 6 NYCRR §617.5 (a), not subject to review under the State Environmental Quality Review Act.

Roll Call: Mr. Powers-Yes Mr. McDonald-Yes Mr. Glushko-Yes
Mr. Covel-Yes **Motion**

Carried

Motion by Mr. Powers, seconded by Mr. McDonald to pass resolution #09.05.28-4;

WHEREAS, the Town of Peru is in need of approximately 550 new water meters in order to complete the replacement of older, obsolete water meters for which there exists few if any replacement parts; and

WHEREAS, the Town has heretofore installed Neptune T-10 water meters as the older, obsolete water meters malfunctioned and has, in fact, replaced about 20% of the older water meters throughout the water districts with the Neptune T-10 water meters; and

WHEREAS, the Town now has on hand spare parts for Neptune T-10 water meters and also has purchased a water meter reading system that is compatible only with Neptune T-10 water meters; and

WHEREAS, the Town Board, in consultation with the Water and Sewer Superintendent, has determined that standardizing all of the Town's water meters will serve the interests of both efficiency and economy by allowing all of the Town's water meters to be read by one water meter reading system and also by allowing the Town to stock parts for just one type of water meter; and

WHEREAS, at the Regular Meeting of the Town Board held on May 11, 2009, the Town Board passed a resolution allowing it to advertise for bids for the required number of Neptune T-10 water meters, and

WHEREAS, the Town Clerk duly advertised for bids for this project, and

WHEREAS, only one bid was received and that was from Ti-Sales, Inc

BE IT RESOLVED, that the Town Board of the Town of Peru hereby accepts the bid of Ti-Sales, Inc., a copy of which is attached hereto and made a part hereof, of Seventy Thousand Eight Hundred Sixty Three Dollars (\$70,863.00) for the purchase of 530 Neptune T-10 water meters (inside set version) and 50 Neptune T-10 water meters (pit set version) as well as the listed accessories, software and hardware.

Roll Call: Mr. Powers-Yes Mr. McDonald-Yes Mr. Glushko-Yes
Mr. Covel-Yes **Motion**

Carried

Motion by Mr. Powers, seconded by Mr. McDonald to table the approval of the amended Local Law on Outdoor Wood boilers. Ayes 4 Nays 0
Motion Carried

Crosswalk Grant Authorization.

Under the advice of the attorney.

Motion by Mr. Covell, seconded by Mr. Powers to table the resolution to approve the sidewalk project on School Street, and place on the next agenda. Ayes 4 Nays 0
Motion Carried

Vacant Town Council Positions Interviews.

Mr. Covell states that the interviews were conducted. Five out of the six people were interviewed, with the sixth person not attending. Board has not made any decision as of yet.

Expansion of the town Water and Sewer District to extend along the Bear Swamp/Northway/Gibson property as defined in letter dated nay 19, 2009 from the Planning Board.

Mr. Powers states he feels it would be best to finish the first project before beginning a second. Mr. Powers agrees to speak to the Zoning Officer regarding this project.

Removal of absentee Board Member from the Planning Board.

Mr. Biggs refers to a law regarding this and states that there is nothing in the Town Of Peru Local Law regarding attendance. Mr. Biggs, however, states that the individual has not taken the Oath of Office, therefore, this position is now vacant. Mr. Biggs feels that this should be done in a form of a resolution, which he will provide.

Motion by Mr. Powers, seconded by Mr. Covell to table this resolution. Ayes 4 Nays 0
Motion Carried

Motion by Mr. Powers, seconded by Mr. McDonald to table the appointment of Planning Board alternate. Ayes 4 Nays 0
Motion Carried

Other Business.

Mr. Powers states he attended a seminar on Health Care. He passes out information. Mr. Powers also states that he has begun the retention wall project at the Little Ausable Park.

Mr. Covell announces that the cleaning person for the Town Hall, has submitted her resignation effective June 26, 2009.

Mr. McDonald asks the Highway Superintendent when the Speed Bumps will be installed.

Mr. Farrell informs members that one of the trucks caught fire. At this point he is not sure how much this will cost to repair.

Mr. Farrell also states that he will begin paving the Strackville road June 15th. Mr. Farrell also states that he would like to meet with Mr. McDonald regarding the posting of the roads.

Henrietta Mastic asks if the Patent Road is more narrow than most roads.

Garret Mastic. Addresses the board regarding the legal answer to interviewing potential candidates for the vacant town council position.

Fred Hoffman. Addresses the board suggesting that the field of potential applicants should be narrowed down to two and have them run as potential candidates at the caucus.

Motion by Mr. Powers, seconded by Mr. Covell to adjourn the regular meeting at 8:19 PM to go into Executive session to discuss a contract issue and potential legal matters. Ayes 4 Nays 0
Motion Carried

Motion by Mr. Powers, seconded by Mr. Gluhsko to return to the regular meeting at 8:42 PM. Ayes 4 Nays 0

Motion Carried

Motion by Mr. Powers, seconded by Mr. Covel authorizing the writing of a letter of suspension to an agency informing them of a 30 day notice to opt out of a contract.

Ayes 4 Nays 0

Motion Carried

Motion by Mr. Powers, seconded by Mr. Glushko to pass resolution #09.05.28-5; approving the bills, abstract dated 5/28/2009 at 3;21 PM in the amount of \$210,792.89.

Ayes 4 Nays 0

Motion Carried

Motion by Mr. Powers, seconded by Mr. McDonald to adjourn the regular meeting at 9:02 PM. Ayes 4 Nays 0

Motion Carried

_____ **Supervisor** _____ **Councilman**

_____ **Councilman** _____ **Councilman**

_____ **Town Clerk**